

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:09cv183-RJC-DCK

<b>CHAMPBOAT SERIES, LLC,</b>	)
	)
<b>Plaintiff,</b>	)
	)
<b>v.</b>	)
	)
<b>IN2FOCUS FILMS, INC., and</b>	)
<b>JAY KRISS,</b>	)
	ORDER
<b>Defendants and</b>	)
<b>Counter Claimants,</b>	)
	)
<b>v.</b>	)
	)
<b>CHAMPBOAT SERIES, LLC,</b>	)
<b>SPEEDWAY GROUP, INC., and</b>	)
<b>MICHAEL T. SCHRIEFER,</b>	)
	)
<b>Counter Defendants.</b>	)
	)

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**THIS MATTER** comes before the Court on Plaintiff's Motion to Strike portions of Defendants' Counterclaims (Doc. No. 21), and former Third Party Defendants' Motion to Strike portions of the Third Party Complaint (Doc. No. 23). Defendants have now voluntarily dismissed with prejudice their Third Party Complaint (Doc. No. 60). Further, the Magistrate Judge has granted Defendants' Motion for Leave to File their First Amended Answer, Affirmative Defenses, and Counterclaims, which joins Speedway Group, Inc. ("SGI") and Michael T. Schriefer, former Third Party Defendants, as Counter Defendants. (Doc. Nos. 63, 57). The basis for both motions to strike was largely dependent upon SGI and Schriefer's status as Third Party Defendants rather than Counter

Defendants. Thus with the new alignment of the parties and the filing of Defendants' First Amended Answer, Affirmative Defenses, and Counterclaims, both motions to strike are now moot.<sup>1</sup>

**IT IS, THEREFORE, ORDERED**, that:

1. Plaintiff's Motion to Strike (Doc. No. 21) is **DENIED**; and
2. Third Party Defendants' Motion to Strike (Doc. No. 23) is **DENIED**.

Signed: October 21, 2009

  
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Robert J. Conrad, Jr.  
Chief United States District Judge  


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<sup>1</sup>Plaintiff's Motion to Strike also complained of references in Defendants' Counterclaims to other Third Party Defendants who have since been terminated, as well as certain other minor issues. These issues are now moot as well.